

REMARKS

The Office Action dated March 31, 2008, has been declared “final.” Pursuant to the provisions of 37 CFR 1.116, the Applicants respectfully submit that the amendments submitted herewith place the application in condition for allowance or, in the alternative, in better condition for appeal. Reconsideration is respectfully requested.

The Office Action formally allowed independent claim 1 and its dependent claims 2-6, which the Applicants gratefully acknowledge. Independent claim 7 remains the only pending claim still under rejection. Claim 7 was rejected under 35 USC 102(b) as assertedly being anticipated by Wassenhoven et al U.S. Patent 5,509,261.

According to the Office Action, “Wassenhoven teaches an effect yarn formed from an alternating lengthwise series of webs of a predetermined smaller diameter and effects of larger diameters relative to the webs.” The Office Action further states that “...the very nature of the piecing region is to recreate the original yarn when a break or imperfection occurs, and thus the pieced yarn would be equal to the original effect yarn.”

While it is correct that the objective in performing a piecing operation is to duplicate as closely as possible the structure of the primary length of yarn being pieced, the piecing region inherently differs structurally from the main length of yarn being pieced. Hence, it is the Applicants’ position that claim 7, by reciting affirmatively that the yarn has a piecing region, is inherently different structurally from the main length of the yarn, and in turn is inherently different from the yarn disclosed in Wassenhoven.

As described in the Applicants’ specification in this application (see paragraphs 0026 and 0027), the piecing region will necessarily have a leading portion called a “piecer” which is

immediately followed by the series of webs and effects in the piecing region and, as made clear in the depiction of Fig. 2 and in the corresponding portions of the specification, the “piecer” is structurally different from the main yarn, no matter how closely the webs and effects may emulate the main yarn.

Specifically, the “piecer” is represented in Fig. 2 by reference numeral 31, and is located between yarn section 34, which represents the interruption in the formation of the main yarn, and section 36, which represents the first web section of the piecing region. Thus, it is respectfully submitted to be clear that the presence of a “piecer” inherently distinguishes the pieced yarn of the present invention in a structural manner from the original yarn. Claim 7 has been amended to affirmatively recite the presence of this “piecer” portion of the piecing region.

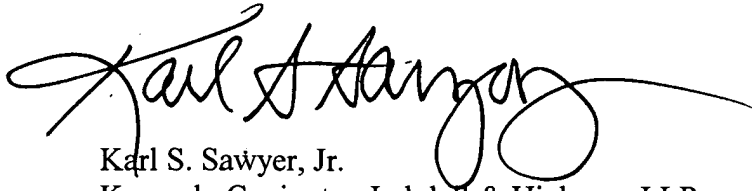
It is respectfully submitted that this amendment does not raise any new issue of patentability but rather only sets forth explicitly what the Applicants believe was inherently defined by the claim as previously presented. Also, the presence of this “piecer” was recited in claim 7 as originally presented, whereby this feature of the piecing region necessarily has already been searched and no further searching should be required by this amendment.

Regardless, and most importantly, claim 7 now clearly defines the yarn of this invention to be structurally distinguishable from that of the cited Wassenhoven reference in a manner not taught nor contemplated, and not suggested nor obvious from, the reference.

For the reasons set forth above, it is respectfully submitted that rejected claim 7 of this application patentably defines the present invention over the prior art and should be allowable along with allowed claims 1-6.

Favorable reconsideration and prompt issuance of a notice of allowance are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Karl S. Sawyer, Jr.", with a large, stylized flourish at the end.

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